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Question of the Falkland Islands (Malvinas)

Letter dated 18 December 2009 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith a copy of the identical notes of 1 December 2009 addressed to the President of the European Council, the High Representative of the European Union for Foreign Affairs and Security Policy, the President of the European Commission and the President of the European Parliament on the occasion of the entry into force on 1 December 2009 of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, which are henceforth entitled, respectively, the Treaty on European Union and the Treaty on the Functioning of the European Union.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 23, which concerns the Malvinas Islands.

(*Signed*) Jorge **Argüello**
Ambassador
Permanent Representative

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Annex to the letter dated 18 December 2009 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

I have the honour to refer to the entry into force of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community.

With regard to the list of overseas countries and territories (annex II) to which the arrangements for association of the overseas countries and territories provided for in part four of the Treaty on the Functioning of the European Union apply, the Argentine Republic recalls that the Malvinas Islands, the South Georgia Islands and the South Sandwich Islands, as well as the Argentine Antarctic Sector, are an integral part of its national territory.

Accordingly, the Argentine Government rejects the attempt to include those parts of the Argentine national territory in the list of territories in annex II to which part four of the Treaty on the Functioning of the European Union applies.

The Argentine Republic reiterates its position, as set forth in its note CEE No. 43 of 25 July 1972 to the Secretary-General of the Council of the European Union on the occasion of the signing of the Treaty of Accession of the United Kingdom of Great Britain and Northern Ireland to the European Communities and in subsequent communications, as well as in notes CEE No. 117/07 to the Presidency of the Council of the European Union, CEE No. 115/07 to the Presidency of the European Commission and CEE No. 116/07 to the Presidency of the European Parliament of 13 December 2007, which reaffirmed its position to the European institutions on the occasion of the signing of the Treaty of Lisbon.

The attempt to include the Malvinas Islands, the South Georgia Islands and the South Sandwich Islands in the list of overseas territories to which the arrangements for association of the overseas countries and territories apply contradicts Argentina's sovereignty over those islands and the fact that the archipelagos are the subject of a sovereignty dispute recognized by the United Nations and other international organizations.

The Argentine Government expects the European Union and its member States to bear in mind that the shared obligation of Argentina and the United Kingdom to resolve this dispute necessarily and inevitably requires that all other States, individually and in their collective action, must refrain from carrying out acts that could impede the fulfilment of that obligation. That entails refraining from carrying out acts that distort the nature and scope of the dispute and also from assisting either of the parties to the dispute in carrying out unilateral acts in overt violation of resolutions of the United Nations General Assembly.

Furthermore, the Argentine Republic calls upon the European Union, in accordance with the principles of international law, to take into account the existence of the sovereignty dispute between Argentina and the United Kingdom over the Malvinas Islands, the South Georgia Islands and the South Sandwich Islands and the surrounding maritime areas, so that any reference to those territories in the documents of the European Union reflects their disputed status.

It should also be noted that the inclusion of the so-called "British Antarctic Territory" in the list referred to above does not in any way affect the rights of the

Argentine Republic over the Argentine Antarctic Sector. It is also necessary to bear in mind the provisions of article IV of the Antarctic Treaty, to which both the Argentine Republic and the United Kingdom are parties.

The Argentine Government reaffirms its legitimate rights of sovereignty over the Malvinas Islands, the South Georgia Islands and the South Sandwich Islands and the surrounding maritime areas, as well as over the Argentine Antarctic Sector.